



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,443	09/16/2003	Robin B. Hutchison	ECHG121699	1594
26389	7590	03/14/2006	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			ZEENDER, FLORIAN M	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			3627	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,443

Applicant(s)

HUTCHISON ET AL.

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 3-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, line 7, the terminology, "said valid virtual payment account" lack antecedent basis.

Claim Rejections - 35 USC § 102

Claims 2 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams '105.

Williams discloses a method for purchasing a product from a merchant /seller computer (**See for example Columns 13-20**) using a virtual payment account comprising: receiving a request from a buyer/consumer computer to purchase the product from the seller computer using the virtual payment account; in response to said purchase request, determining whether the buyer computer is associated with the virtual payment account; in response to determining that said buyer computer is associated with the virtual payment account, applying a cost of the product to the virtual payment account and providing the product to a buyer associated with the buyer computer, and the use of a main account and sub-account (See for example Fig. 31).

Claim Rejections - 35 USC § 103

Claims 3-6, 8-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams '105.

Williams discloses the limitations of the claims including in a method for purchasing a product from a merchant server (**See for example Columns 13-20**) using a virtual payment account associated with a consumer computer the steps of: receiving a request from the consumer computer to purchase the product, the purchase request identifying a virtual payment account as the method of payment for the product (i.e., credit card); in response to the purchase request transmitting an authentication request from the consumer computer to a commerce gateway; receiving the authentication request at the commerce gateway and determining whether a valid virtual payment account is associated with the consumer computer at the commerce gateway; in response to determining that a valid virtual payment account is associated with the consumer computer, transmitting an account identification container (See for example Col. 157, line 22+); transmitting the purchase request for the consumer computer to the merchant computer; transmitting the purchase request from the merchant computer to the commerce gateway; receiving the purchase request at the commerce gateway and determining whether the virtual payment account may be used to pay for the product; in response to determining that the virtual payment account may be used to pay for the product, transmitting a valid transaction authorization from the commerce gateway to the merchant computer and the consumer computer; charging the virtual payment account for a cost associated with the product and providing the product to a consumer associated with the consumer computer.

Williams does not specifically disclose sending a container to the consumer computer and then to the merchant server.

Williams suggests such a transmission (See for example, Fig. 35, element 3550), where the method determines granting of credit. Such a transmission would let the consumer know that the particular virtual account was usable before submission of the payment order and would save repetitively submitting of such orders for unusable virtual accounts. This would also reduce workload at merchant computer by avoiding consideration of unusable virtual accounts.

Re claims 11-12: an acceptable list of merchant computers for a sub account would have been obvious to provide control for usage of the sub account. An example of the user of such control of a sub account would be parental control of sub account usage to limit purchases by children to suitable items. Re claim 12: it would have been also obvious to limit spending as well as content the purchases by children.

Re claim 5: Williams discloses a digital certificate at Col. 14, lines 47-65.

Re claim 6: Williams teaches a secure token (for example Fig. 10).

Re claim 8: Williams teaches having the customer computer system transmitting a client certificate and further optionally transmitting a client key exchange message and a finished message (See for example Col. 14, lines 62-65).

Allowable Subject Matter

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 12/12/2005 have been fully considered but they are not persuasive. The applicant argues that Williams does not suggest buyer computers being registered. However, the registration of computers is not specifically claimed. The claim uses the terminology, "the buyer computer is associated with" which can be broadly interpreted and is anticipated by Williams (See for example Cols. 13-20).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

F. Zeender
Patent Examiner, A.U. 3627
March 1, 2006

 3/1/06

F. RYAN ZEENDER
PRIMARY EXAMINER